



DEPARTMENT OF TRANSPORTATION
HAZARDOUS MATERIALS REGULATIONS BOARD
WASHINGTON, D.C. 20590

43310

[Docket No. HM-123; Amtd. Nos. 171-27,
173-89]

**PART 171—GENERAL INFORMATION AND
REGULATIONS**

PART 173—SHIPPERS

Shippers by Rail Freight

Emergency Order No. 5 was issued by the Federal Railroad Administration (FRA) on October 25, 1974 (39 FR 38230—10-30-74), with an effective date of 12:01 a.m. October 27, 1974. This required the railroads to handle all DOT 112A and 114A tank cars (without head shields) transporting flammable compressed gas in the same manner as Class A poisons and Class A explosives during switching operations. To provide an additional means for railroad employees to identify these cars, E.O. No. 5 required that shipping papers for these tank cars contain the following notations: "DOT 112A" or "DOT 114A" as appropriate and "Must be handled in accordance with FRA E.O. No. 5."

In order that a railroad will be notified by the shipper that a tank car he is tendering is one requiring special handling in accordance with FRA E.O. No. 5, the Hazardous Materials Regulations are being amended to require the shipper to comply with all FRA emergency orders. Therefore, a shipper of a DOT 112A or 114A (without head shields) containing flammable compressed gas will be required to put the following notation on the shipping papers: "DOT 112A" or "DOT 114A" as appropriate, and "Must be handled in accordance with FRA E.O. No. 5."

As a situation exists which demands immediate adoption of these regulations in the interest of public safety, it is found that notice and public procedure hereon are impractical and good cause exists for making these amendments effective in less than 30 days.

In consideration of the foregoing, 49 CFR Parts 171 and 173 are amended as follows:

(A) In Part 171 Table of Contents, § 171.11 is revised to read as follows:

Sec.
171.11 Transportation by carriers by water and by rail.

(B) In § 171.11, the heading is revised; paragraphs (b) and (c) are added to read as follows:

§ 171.11 Transportation by carriers by water and by rail.

(b) When the transportation of a shipment involves movement by a carrier by rail, the applicable provisions of Parts 170-189 of this subchapter must be observed by the shipper.

(c) Shippers by rail must also comply with the requirements of all emergency orders of the Federal Railroad Administrator as they pertain to them.

(A) In Part 173 table of contents, § 173.5 is revised; § 173.6 is deleted as follows:

Sec.
173.5 Shipments by rail baggage, rail express and rail freight.

173.6 [Removed]

(B) In § 173.5, the heading is revised; paragraphs (b) and (c) are added to read as follows:

§ 173.5 Shipments by rail baggage, rail express and rail freight.

(b) For shipments of hazardous materials acceptable as baggage by rail carriers see Part 176 of this subchapter Regulations Applying to Rail Carriers in Baggage Service.

(c) Shippers by rail must also comply with the requirements of all emergency orders of the Federal Railroad Administrator as they pertain to them.

AUTHORITY: Transportation of Explosives Act (18 U.S.C. 831-835), section 3 of the Department of Transportation Act (49 U.S.C. 1855).

These amendments are effective December 12, 1974.

Issued in Washington, D.C. on November 29, 1974.

ASAPH H. HALL,
Board Member for the
Federal Railroad Administration.

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